

United States Court of Appeals
For the Eighth Circuit

No. 17-1922

United States of America

Plaintiff - Appellee

v.

Todd K. Boyd

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: February 19, 2018

Filed: February 28, 2018

[Unpublished]

Before GRUENDER, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Todd Boyd directly appeals the sentence the district court¹ imposed after he pleaded guilty to drug offenses, pursuant to a plea agreement containing an appeal

¹The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

waiver. His counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Boyd's sentence is unfair and unreasonable. Boyd has filed a *pro se* brief echoing his counsel's argument. He also has filed a motion requesting appointment of new appellate counsel.

Upon careful review, we conclude that the appeal waiver is valid, applicable, and enforceable. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing *de novo* the validity and applicability of an appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (stating that an appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and waiver, and enforcing the waiver would not result in a miscarriage of justice). Having independently reviewed the record pursuant to *Penon v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waiver. Accordingly, we dismiss this appeal, and we deny Boyd's motion for appointment of new counsel.
